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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,536	12/29/1999	QINGYU ZENG	24707A	2359

22889 7590 06/13/2003

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT	PAPER NUMBER
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1771

15

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/474,536

Examin r

Norca L. Torres-Velazquez

Applicant(s)

ZENG ET AL.

Art Unit

1771

ASIS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,11,15-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,11,15-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9, 11, 15-18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

a. Please refer to rejection of April 12, 2002 (paper 8), page 6, paragraph 5 for the original rejection of claims 1-2 under 35 U.S.C. 103(a) over HAINES et al. in view of SWAN et al. On the response filed on March 17, 2003 the Applicant indicates that the first time the Examiner had made this rejection was on October 2, 2002. The Examiner does not agree with Applicant's remarks.

b. Applicant's remarks regarding the SWAN et al. reference have been considered. The Examiner does not agree with Applicants interpretation of the SWAN et al. reference in which reduced thickness areas being provided to just prevent tearing and delamination of the product. The reference discloses that the integrity of the laminate in the reduced thickness areas permit the laminate 10 to be easily handle by vehicle manufacturers during assembly operation and since the present application does not recite stiffness values in the claims and SWAN et al. teaches all the structural limitations claimed in the present structure, the rejection over the SWAN et al. reference is deemed proper. Refer below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 11, 15-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by SWAN et al. (US 5,773,375).

SWAN et al. discloses an acoustical insulation web laminate that comprises: a) a nonwoven acoustical insulation web comprising thermoplastic melt-blown micro fibers [which is equivalent to the present blanket of fibers], and b) a second layer [which is equivalent to the present facing material], laminated to the acoustical insulation web to form the laminate, wherein portions of the acoustical insulation web and the second layer can be thermally consolidated to form reduced thickness areas which are of a thin gauge relative to other portions of the laminate. (Column 3, lines 36-45) The invention acoustical insulation webs of melt-blown polypropylene micro fibers may also contain staple fibers such as crimped bulking fibers or *binder fibers*. (Column 4, lines 31-34) Typical binder staple fibers include amorphous melt able fibers, or hot melt adhesive-coated fibers which may be discontinuously coated and *bicomponent binder fibers* which have an adhesive component and a supporting component arranged in a coextensive side-by-side, concentric *sheath-core* or elliptical sheath-core configuration. A preferred binder fiber comprises a crimped sheath-core bonding fiber having a core of crystalline polyethylene terephthalate surrounded by a sheath of an adhesive polymer formed from terephthalate esters. (Column 4, lines 31-56)

The reference further teaches that the thickness of the acoustical insulation web is in the range of about 0.5 cm to about 15 cm, preferably is at least about 2 cm, more preferably at least about 7 cm. (Column 5, lines 23-25) On Figure 4, the reference shows the laminate including a water barrier layer such as a planar thermoplastic film 14 formed of a relatively thin

thermoplastic material such as polypropylene. (Column 5, lines 63-67 thru Column 6, lines 1-2). The reference further teaches that the laminate 10 is typically pressure molded in a heated die to form reduced thickness areas 17 along its outer periphery 16, of approximately 508 microns in thickness. The reduced thickness areas 17 promote the integrity of the laminate 10 in those areas and permit the laminate 10 to be easily handled by vehicle manufacturers during assembly operations. (Column 6, lines 35-47)

The nonwoven acoustical insulation web above read on the blanket of fiber that comprises first fibers and bicomponent polymer binder fibers, and the water barrier layer film reads on the facing material of the present invention. The reduced thickness areas 17 of the SWAN et al. reference read on the claimed densified perimeter flange.

With regards to claims 6-7 and 16-17, SWAN et al. further teaches that the laminate 10 can include an optional scrim layer secured to the web opposite the film. The reference teaches that the optional scrim layer increases the integrity of the laminate. The reference further teaches that a second optional scrim layer can be secured between the film and the web. (Column 6, lines 14-34) Therefore, when the second optional scrim layer is secured between the film and the web, this embodiment will provide the claimed facing material comprising a scrim and a film.

With regards to claims 8 and 18, it is noted that SWAN et al. is silent with respect to the claimed static coefficients of friction. However, it is reasonable to presume that the claimed static coefficient of friction is inherent to the invention SWAN et al. Support for said presumption is found in the use of the same starting materials (i.e. includes meltable binder fibers in addition to melt-blown fibers in the acoustical web and a liquid barrier thermoplastic film), like processes of making the articles (i.e., pressure molding), and the production of similar

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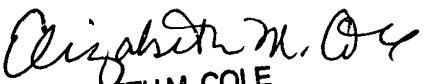
end-products (i.e., acoustical insulation, etc...). The burden is upon the Applicant to prove otherwise. *In re Fitzgerald*, 205 USPQ 594.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 8:00-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

nlt
June 11, 2003


ELIZABETH M. COLE
PRIMARY EXAMINER